

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GREGORY ROLLINS,

Plaintiff,

v.

U.S. DEPARTMENT OF TRANSPORTATION,

Defendant.

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No. 07-0823-CV-W-DW

ORDER

Before the Court is Plaintiff's Motion to Proceed In Forma Pauperis (Doc. 1) and Motion to Appoint Counsel (Doc. 3).

The process for determining whether a plaintiff should be granted leave to proceed *in forma pauperis* consists of two steps. Martin-Trigona v. Stewart, 691 F.2d 856, 857 (8th Cir. 1982). First, the court must decide whether the plaintiff "qualifies by economic status" pursuant to 28 U.S.C. § 1915(a). Id. If the plaintiff qualifies by economic status, then the court grants the application to proceed *in forma pauperis*, but must also immediately decide whether the action must be dismissed because it is "frivolous or malicious," fails to state a claim upon which relief may be granted, or seeks monetary relief against a party immune from such damages. 28 U.S.C. § 1915(e)(2)(B); Martin-Trigona v. Stewart, 691 F.2d at 857.

Without commenting on Plaintiff's economic status, the Court finds that Plaintiff's action is frivolous. Plaintiff complaint states a cause of action against the Department of Transportation. Plaintiff states that he does not believe it is fair that he has "to pay bus fare even though our taxes buy buses and pay for fare and driver's salaries."

Plaintiff's complaint is one for a generalized taxpayer grievance and, as such, he is without standing. See Hein v. Freedom from Religion Found., Inc., 127 S. Ct. 2553, 2564 (U.S. 2007). Plaintiff's complaint is dismissed as frivolous and for failure to state a claim.

IT IS SO ORDERED.

Date: December 6, 2007

/s/ Dean Whipple
Dean Whipple
United States District Judge